



Indiana Pro Bono Commission

230 East Ohio Street, Suite 200

Indianapolis, IN 46204

Indiana Bar Foundation

230 East Ohio Street, Suite 200

Indianapolis, IN 46204

**COMBINED 2003 DISTRICT REPORT, 2005 PRO BONO GRANT
APPLICATION, AND 2005 PLAN**

Pro Bono District 12

Applicant: Judge Ted R. Todd

Mailing Address: Courthouse, 300 East Main Street

City: Madison, IN Zip: 47250

Phone: 812-265-8930 Fax: 812-265-8946

E-mail address: ttcir@jeffersoncoin.org Website address: none

Judicial Appointee: Ted R. Todd

Plan Administrator: none at present

Names of Counties served: Dearborn, Jefferson, Ohio, Ripley and Switzerland

Number of registered attorneys in district: 106 This number was taken
from the Indiana Legal Directory for 2003. It does not include sitting Judges and full
time prosecutors, or those known to be retired.

Percentage of volunteer attorneys *who accepted a pro bono case in 2003* per reg-
istered attorneys in county: N/A in district: 23%

Percentage of volunteer attorneys *who have not yet accepted a pro bono case in
2003* per registered attorneys in district: _____

Amount of grant received for 2004: \$16,060

Amount of grant (2003 & prior years) projected to be unused as of 12/31/04: 1

Amount requested for 2005: \$16,060

1

PRO BONO DISTRICT NUMBER <u>12</u> LETTER OF REPRESENTATION
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The following representations, made to the best of our knowledge and belief, are be-
ing provided to the Indiana Pro Bono Commission and Indiana Bar Foundation in antici-

pation of their review and evaluation of our funding request and our commitment and value to our Pro Bono District.

Operation under Rule 6.5

In submitting this application for funding, this district is representing itself as having a Pro Bono Plan, which is pursuant to Rule 6.5 of the Indiana Rules of Professional Conduct. The plan enables attorneys in our district to discharge their professional responsibilities to provide civil legal pro bono services; improves the overall delivery of civil legal services to persons of limited means by facilitating the integration and coordination of services provided by pro bono organizations and other legal assistance organizations in our district; and ensures access to high quality and timely pro bono civil legal services for persons of limited means by (1) fostering the development of new civil legal pro bono programs where needed and (2) supporting and improving the quality of existing civil legal pro bono programs. The plan also fosters the growth of a public service culture within the our district which values civil legal pro bono publico service and promotes the ongoing development of financial and other resources for civil legal pro bono organizations.

We have adhered to Rule 6.5 (f) by having a district pro bono committee composed of:

- A. the judge designated by the Supreme Court to preside;
- B. to the extent feasible, one or more representatives from each voluntary bar association in the district, one representative from each pro bono and legal assistance provider in the district, and one representative from each law school in the district; and
- C. at least two (2) community-at-large representatives.

We have determined the governance of our district pro bono committee as well as the terms of service of our members. Replacement and succession members are appointed by the judge designated by the Supreme Court.

Pursuant to Rule 6.5 (g) to ensure an active and effective district pro bono program, we:

- A. prepare in written form, on an annual basis, a district pro bono plan, including any county sub-plans if appropriate, after evaluating the needs of the district and making a determination of presently available pro bono services;
- B. implement the district pro bono plan and monitor its results;
- C. submit an annual report to the Commission; and
- D. forward to the Pro Bono Commission for review and consideration any requests which were presented as formal proposals to be included in the district plan but were rejected by the district committee, provided the group asks for review by the Pro Bono Commission.

Commitment to Pro Bono Program Excellence

We also understand that ultimately the measure of success for a civil legal services program, whether a staffed or volunteer attorney program, is the outcomes achieved for clients, and the relationship of these outcomes to clients' most critical legal needs. We agree to strive for the following hallmarks which are characteristics enhanc-

ing a pro bono program's ability to succeed in providing effective services addressing clients' critical needs.

1. Participation by the local bar associations and attorneys. The associations and attorneys believe the program is necessary and beneficial.

2. Centrality of client needs. The mission of the program is to provide high quality free civil legal services to low-income persons through volunteer attorneys. Client needs drive the program, balanced by the nature and quantity of resources available.

3. Program priorities. The program engages in a priority-setting process, which determines what types of problems the program will address. Resources are allocated to matters of greatest impact on the client and are susceptible to civil legal resolution. The program calls on civil legal providers and other programs serving low-income people to assist in this process.

4. Direct representation component. The core of the program is direct representation in which volunteer attorneys engage in advocacy on behalf of low-income persons. Adjunct programs such as advice clinics, pro se clinics and paralegal assistance are dictated by client needs and support the core program.

5. Coordination with state and local civil legal providers and bar associations. The programs work cooperatively with the local civil legal providers. The partnerships between the civil legal providers and the local bar association results in a variety of benefits including sharing of expertise, coordination of services, and creative solutions to problems faced by the client community.

6. Accountability. The program has mechanisms for evaluating the quality of service it provides. It expects and obtains reporting from participating attorneys concerning the progress/outcome of referred cases. It has the capability to demonstrate compliance with requirements imposed by its funding source(s), and it has a grievance procedure for the internal resolution of disputes between attorneys and clients.

7. Continuity. The program has a form of governance, which ensures the program will survive changes in bar leadership, and has operational guidelines, which enable the program to survive a change in staff.

8. Cost-effectiveness. The program maximizes the level of high quality civil legal services it provides in relationship to the total amount of funding received.

9. Minimization of barriers. The program addresses in a deliberate manner linguistic, sensory, physical and cultural barriers to clients' ability to receive services from the program. The program does not create undue administrative barriers to client access.

10. Understanding of ethical considerations. The program operates in a way which is consistent with the Rules of Professional Conduct; client confidentiality is assured and conflicts of interest are avoided. The staff and volunteers are respectful of clients and sensitive to their needs.

11. ABA Standards. The program is designed to be as consistent with the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means as possible.

No events, shortages or irregularities have occurred and no facts have been discovered which would make the financial statements provided to you materially inaccurate or misleading. To our knowledge there is nothing reflecting unfavorably upon the honesty or integrity of members of our organization. We have accounted for all known or anticipated operating revenue and expense in preparing our funding request.

We agree to provide human-interest stories promoting Pro Bono activities in a timely manner upon request of the Indiana Bar Foundation or Indiana Pro Bono Commission. We further agree to make ourselves available to meet with the Pro Bono Commission and/or the Indiana Bar Foundation to answer any questions or provide any material requested which serves as verification/source documentation for the submitted information.

Explanation of items stricken from the above Letter of Representation:

We presently have a vacancy in the past recipient of legal services member on the board. We hope to have a replacement shortly. Our finances do not allow us to have a plan administrator at present. Our last one resigned in the early fall of last year.

It is understood that this Letter does not replace the Grant Agreement or other documents required by the Indiana Bar Foundation or Indiana Pro Bono Commission.

Signatures:

Judicial Appointee Signature

July 1, 2004
Date

2005 PLAN SUMMARY

- 1. Please write a brief summary of the 2005 grant request. Please include information regarding your district's planned activities. The grant request should cover needs to be addressed, methods, target audience, anticipated outcomes, and how past difficulties will be addressed.**

First, a bit of history. The past two years have been difficult for District 12's program. In 2001 District 12 combined with District 14 in having a joint plan administrator. Nancy Reschar served in that position from late summer 2001 until the late fall of 2002. At that time she resigned to take a position in a family business. We then split from District 14 and hired Ronald Nutter as part time plan administrator. Ron began in January of 2003, but resigned in August of 2003. Since that time we have been without an administrator. Amy Roth, the District 12 administrator, served until the end of 2003 as a liaison as we worked to disentangle the finances and files from the two groups.

District 12 has, since the beginning, maintained a needed working relationship with Indiana Legal Services, Inc.'s New Albany office. This we are happily able to continue. We use ILSI to screen cases for two purposes: (1) financial eligibility, and (2) apparent legal merit. If the screening indicates further legal need, the application is sent to Judge Todd, who then places it with an attorney in the county where the client resides. This system provides an effective way of meeting the needs of those cases ILSI would, but for the lack of manpower, service themselves.

ILSI also has served as the financial arm of the group. Through 2003 those funds were commingled with those of Area 14. For that reason we do not have numbers available for 2003.

We realize our reliance on ILSI leaves other legal needs that may go wanting. In an effort to meet these needs, we are planning four meetings between now and the end of September with the Dearborn, Ohio, Jefferson, Ripley, and Switzerland County Bar Associations to encourage more member participation and to provide local screening of cases that may not meet federal poverty guidelines but still need pro bono legal assistance. We want to inform the attorneys of the availability of funding for needed litigation support services such as deposition cost, expert witness fees, and other expenses that often become necessary if litigation is to be effective. We believe that by doing so we can increase the number of persons served and the number of attorneys participating.

Our efforts remain almost exclusively in the domestic area. That area seems to be the central need of our area. Given the financial uncertainties and the rural nature of the area, we do not believe we can afford to hire and administrator at this time. It is hoped we can use our money to finance out of pocket expenses for more cases, and gain grass roots support of the bar for our efforts.

We are also planning to host a domestic relations seminar in late 2004 that will be free to those who agree to take at least on pro bono case in 2005.

We have received some resistance from attorneys who perceive we are administratively top-heavy. When the facts are laid before them, they know this has not been true since the fall of 2003. That is the silver lining on the cloud that has passed over us. We took to the future firm in our belief that the pro bono aspect to practicing law is alive and well in this corner of the state. We wish to build on that good will.

Please attach additional pages for each pro bono provider that receives IOLTA funding, whether directly or indirectly, in your district. See the sample additional pro bono provider page 6A. Please list each attorney only once in the volunteer lawyer column but complete one line for each pro bono case for that attorney.

Definitions:

Case: A legal matter referred to and accepted by a pro bono attorney volunteer.

Volunteer Lawyer: An attorney who has rendered pro bono service to at least one low-income client during the year or accepted a pro bono referral from the identified program. This does not include attorneys who are on the list of pro bono volunteers but who have never taken a case. The case numbers do not include cases screened, only cases actually referred to a pro bono attorney.

Case Type: Please use the abbreviations listed in Indiana Supreme Court Administrative Rule 8(B)(3)

Name of Pro Bono Provider (includes legal service provider, court, plan administrator, bar association, and other organizations): District 12

IOLTA funding accounts for 100 % of total pro bono provider budget.

Volunteer Lawyer Name	County	Year Case Accepted	Year Case Closed	Number of Hours	Case Type
Nadine Albenze	Dearborn	2003			Domestic
Jerome Charles	Ohio	2003			Domestic
Timothy Day	Ripley	2003			Domestic
Larry Eaton	Ripley	2003			Domestic
Robert Eubank	Dearborn	2003			Domestic
Michelle Fentress	Dearborn	2003			Domestic
Mary Ann Gay	Ripley	2003			Domestic
David Hickman	Switzerland	2003			Domestic
Douglas C. Holland	Dearborn	2003			Domestic
Michael J. Hollenback	Dearborn	2003			Domestic
William E. Jenner	Jefferson	2003			Domestic
Jennifer Joas	Jefferson	2003			Domestic
Heidi Kendall-Sage	Jefferson	2003			Domestic
Heidi Kendall-Sage	Jefferson	2003			Domestic
Chad T. Lewis	Jefferson	2003			Domestic
Angela Loechel	Dearborn	2003			Domestic
TOTAL:		TOTAL:		TOTAL:	
OVERALL TOTAL:		OVERALL TOTAL:		OVERALL TOTAL:	

Name of Pro Bono Provider (includes legal service provider, court, plan administrator, bar association, and other organizations): District 12

IOLTA funding accounts for ____ % of total pro bono provider budget.

[illegible]

NOTE: Our records, unfortunately, are incomplete as to finish date and hours. Virtually all of the cases involved domestic matters.

INFORMATION ACTIVITY IN DISTRICT 12

This limited legal information chart can include activities such as pro se clinics and call-in or walk-in informational services.

Please attach additional pages for each pro bono provider that receives IOLTA funding, whether directly or indirectly, in your district. See the sample additional pro bono provider page 7A. Please list each attorney only once in the volunteer lawyer column but complete one line for each type of legal information activity for that attorney.

Name of Pro Bono Provider (includes legal service provider, court, plan administrator, bar association, and other organizations): District 12

[illegible]

Name of Pro Bono Provider (includes legal service provider, court, plan administrator, bar association, and other organizations): _____

[illegible]

2003 REPORT

Please list your District's 2003 activities--including committee meetings, training, attorney recognition, marketing and promotion--in chronological order.

<u>Date</u>	<u>Activity</u>
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4/2003	– Board meeting.
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9/15/03	– Board meeting.
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10/27/03	– Dinner meeting with interested attorneys at Belterra Resort in Switzerland County. Hosted by Belterra who paid for the cafeteria style meal and provided us with a meeting room. Had representative from all county bar associations in the district in attendance. Pickup new board members as a result of the meeting.
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2003 REPORT

Please provide a short summary of how the provision of pro bono service is coordinated in your district, including the intake process, the relationships of pro bono providers in the district, how referrals are made, and how reporting is done.

The intake process is done by utilizing the services of Indiana Legal Services, Inc. in New Albany. The potential clients are screened for financial eligibility and their problem for arguable legal merit, and then placed with an attorney. The attorney reports to Judge Todd the acceptance, and closing of the case and the number of hours completed.

Please describe any special circumstances, including difficulties encountered, affecting your District's 2003 implementation of its plan.

The aforementioned lack of enough funding to afford an administrator. We are trying to overcome this by encouraging more local screening and participation. We would like to see at least 40% of the practicing attorneys in the area participate in the program by the end of 2005.

BUDGETS FOR 2003, 2004 AND 2005 *FOR IOLTA FUNDS ONLY*

Cost Category	2003 actual expendi- tures	2003 Budget	2004 actual expendi- tures	2004 Budget	2005 Budget
A. Personnel Costs					
1. Plan Adminis- trator					
2. Paralegals			767.25	500	
3. Others					
4. Employee benefits					
a. Insurance					
b. Retirement plans					
c. Other					
5. Total Person- nel Costs			767.25	500	
B. Non- Personnel Costs					
1. Occupancy					
2. Equipment rental					
3. Office supplies					
4. Telephone					
5. Travel				400	600
6. Training				500	600
7. Library					
8. Malpractice insurance					
9. Dues and fees					
10. Audit					
11. Contingent re- serve					
12. Litigation re- serve					
13. Marketing and promotion				1000	1000
14. Attorney recognition				500	500
15. Litigation Expenses (in- cludes expert fees)				10,000	10,960
16. Property Acquisition					
17. Contract Ser- vices					
18. Grants to other pro bono pro-			1800	1800	2400

viders					
19. Other					
20. Total Non-Personnel Costs					
C. Total Expenditures			3334.50	15,200	16,060

IOLTA funds received 2003: \$ 16,060 IOLTA funds received 2004: \$ 16,060

Budget Narrative

Please provide descriptions of the following line items in the foregoing budget chart, by item number, in the space provided.

Lines (A)(1), (2), (3) Please indicate the number of hours per week for each personnel position and rate of pay.

None

Line (B)(1) Please describe the occupancy cost in terms of square footage, utilities or other amenities and indicate whether the occupancy cost is above or below the market rate for that space.

None

Figures for 2003 were commingled with District 14, and distributed through Indiana Legal Services, Inc. We do not have a breakdown for those figures.

ANNUAL TIMETABLE FOR SUBMISSION OF FORMS AND CHECKS:

January 1:	Checks distributed
July 1:	Annual report, plan and grant application due to IPBC
November:	Notification of awards
December 1:	IBF grant agreement due and revised budget due